

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.6347 of 2021

Rajkumar, S/o.Pichapillai

.. Petitioner

vs.

1. The Superintendent of Police,
Perambalur District,
Perambalur.

2. The Inspector of Police,
District Crime Branch,
Perambalur.

3. The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd and 3rd Respondents not to harass the petitioner by interfering in the money transaction without following the due process of law by considering the representation of the petitioner dated 12.11.2020 in accordance with law to secure the ends of justice.

For Petitioner : Mr.M.Velmurugan

For Respondents: Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This writ petition has been filed seeking for a direction to direct Respondents 2 and 3 not to harass the Petitioner by interfering in the money transaction without following the due process of law by considering the representation of the petitioner dated 12.11.2020.

2.Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents police submits that since the complaint was given to the first respondent, it was forwarded to respondents 2 and 3. The petitioner is being called for enquiry by both respondents 2 and 3. It is now made it clear that the enquiry will be conducted only by the second respondent in C.No.62 of 2021.

4.The petitioner is directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and the Supreme Court of India in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353 has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the respondents are free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

5.With the above directions, the writ petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Perambalur District,
Perambalur.

2. The Inspector of Police,
District Crime Branch,
Perambalur.

3. The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.

4.The Public Prosecutor,
High Court, Madras.

W.P No.6347 of 2021

PL(CO)

RMP(09/04/2021)